

# Town of Franklin

355 East Central Street  
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4907  
www.franklinma.gov

## DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

### MEMORANDUM

**DATE:** April 7, 2022  
**TO:** Town Council  
**FROM:** Department of Planning and Community Development  
**RE:** MBTA Multi-Family Zoning

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In January 2021, the Massachusetts Legislature adopted an Economic Development Bond Bill that made changes to the State's Zoning Act. The Housing Choices sections of the bill included adding Section 3A that require each "MBTA Community" to zone for multifamily housing by right. Text from Section 3A is attached.

As required by the new Section A, Massachusetts DHCD is required to develop regulations that include guidelines to determine if an MBTA community is in compliance with the new law. DPCD released the draft regulations in December 2021 and the public comment period ended on March 31, 2021.

Each MBTA Community is required to present and discuss the MBTA draft Guidance at a meeting of the Board of Selectmen or City/Town Council. A short presentation on the Guidance will be shown at the April 13<sup>th</sup> Town Council meeting.

The Draft Guidelines can be found on the Mass.gov website at:

<https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta-communities>

As Franklin Town Council is aware, the Town has contracted with the Metropolitan Area Planning Council to perform a Zoning Audit, a Public Visioning Process, and develop recommendations on possible Zoning Bylaw amendments. The MBTA Communities multifamily zoning requirements are being addressed as part of that work.

Specific recommendations for potential Zoning changes, including how best to address the new MBTA Communities requirements, will be developed over the summer and into the fall. The Town shouldn't have a difficult time addressing the MBTA Communities requirements.

### **Section 3A of M.G.L. c. 40A**

- (a) (1) An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, however, that such multi-family housing shall be without age restrictions and shall be suitable for families with children. For the purposes of this section, a district of reasonable size shall:
  - (i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A; and
  - (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.
- (b) An MBTA community that fails to comply with this section shall not be eligible for funds from:
  - (i) the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017;
  - (ii) the Local Capital Projects Fund established in section 2EEEE of chapter 29; or
  - (iii) the MassWorks infrastructure program established in section 63 of chapter 23A.
- (c) The department of housing and community development, in consultation with the Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation, shall promulgate guidelines to determine if an MBTA community is in compliance with this section.